

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ABC CAPITAL INVESTMENTS, LLC	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 17-3548
	:	
BTV PHIL, LLC et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 12th day of April, 2018, upon consideration of Plaintiff’s Complaint (ECF No. 1), Defendants’ Motion to Dismiss for Want of Subject Matter Jurisdiction (ECF No. 2), and Plaintiff’s Consolidated Response in opposition thereto (ECF No. 5), it is hereby **ORDERED** that Defendants’ Motion is **GRANTED**. The above captioned matter is hereby **DISMISSED**.¹

The Clerk of Court is directed to close this matter for statistical and all purposes.

BY THE COURT:

/s/ C. Darnell Jones, II _____

C. Darnell Jones, II J.

¹ Plaintiff brings suit against former clients alleging violations of the Pennsylvania Proprietary Trade Secret Act, tortious interference, civil conspiracy, civil conversion and breach of fiduciary duty. (ECF No. 1.) Plaintiff alleges that, while working alongside Plaintiff, Defendants “surreptitiously” identified and acquired Plaintiff’s business methods, trade secrets, and customer lists, and poached several of Plaintiff’s employees and business contacts. (ECF No. 1, ¶ 8.) Defendants filed the instant Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1), arguing an absence of diversity of citizenship between the parties. (ECF No. 2, p. 2-3.)

Federal district courts have original jurisdiction over all civil actions “between...citizens of different States,” 28 U.S.C. 1332, and “the citizenship of an LLC is determined by the citizenship of its members.” Lincoln Benefit Life Co. v. AEI Life, LLC, 800 F.3d 99, 105 (3d Cir. 2015) (internal citations omitted). The Complaint is bereft of any pleadings that would establish the citizenship of the Plaintiff LLC or that of any of the Defendant LLCs. The only jurisdictional facts within the Complaint, allegations related to the Defendants’ headquarters and respective principal places of business, are all irrelevant to the present inquiry. Id. (“The state of organization and the principal place of business of an unincorporated association are legally irrelevant.”). The principles governing diversity jurisdiction are clear – “[f]or complete diversity to exist, all of the LLC’s members must be diverse from all parties on the opposing side.” Id. Without any information regarding the citizenship of any party LLC’s members, the Complaint is facially deficient as it relates to diversity of citizenship.